

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CARL SCHNEIDER, and as Trustee of THE CARL
AND NARCELLE SCHNEIDER TRUST, and MARY
SCHNEIDER, as Trustee of THE CARL AND
NARCELLE SCHNEIDER TRUST,

Plaintiffs,

v.

CHRIS SCHNEIDER and HYBRID CAR STORE,
INC., f/k/a INTERNATIONAL MOTOR WORKS,
INC., and HONDA OF LA CROSSE, INC.,

Defendants.

ORDER

19-cv-980-jdp

This family business dispute was tried to the court. The opening post-trial brief isn't due until July 14, but plaintiffs move for three kinds of interim relief: (1) an order requiring Chris Schneider to produce all documentation showing the quantity and value of the gold and silver that Hybrid Car Store, Inc. owns; (2) an order allowing plaintiffs to inspect the gold and silver; and (3) an order requiring Chris to transfer all the gold and silver "to a safe deposit box located within a financial institution." Dkt. 156, at 5.

Plaintiffs' motion is DENIED. The court denied plaintiffs' motion for leave to amend their complaint to add claims challenging Chris's decision to buy gold and silver, Dkt. 118, so plaintiffs' request for relief is outside the scope of this case. An accounting that includes the gold and silver may be necessary if the court orders a judicial dissolution of the company, but plaintiffs aren't entitled to that relief now. Even if plaintiffs were proceeding on claims related to the gold and silver, discovery is now closed, and plaintiffs cite no authority showing that they may rely on the federal rules to obtain the relief they are requesting.

That being said, Chris has a fiduciary duty to the company and to the minority shareholder to protect the company's assets and maintain adequate records. The court expects Chris to fulfill that duty with great care while this case is pending. If the company is dissolved, and Chris is unable to account for all the gold and silver, or if he has otherwise mismanaged those assets, that may affect the distribution of assets that Chris receives.

Entered July 5, 2022.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge